



## Am I entitled to workers' comp if I contract COVID-19 on the job?

Typically, if you fall ill on the job, you must prove in your workers' compensation claim that your injury was the result of your work, and your employer has the right to contest your claim. Today, however, essential workers are reporting to work in settings where there is increased exposure to and possible contraction of a serious communicable disease, known as the Coronavirus. Due to intense pressure

from labor groups, Governor Newsom signed an executive order on May 6 that would create a presumption for essential employees who fall ill due to COVID-19 that the disease was contracted on the job. The COVID-19 presumptive exception makes it easier for affected employees to qualify for workers' compensation benefits.

If certain requirements are satisfied, the order states, "Any COVID-19-related illness of an employee shall be presumed to arise out of and in the course of the employment for purposes of awarding workers' compensation benefits. ..."

The order essentially shifts the burden of proof from workers to employers. The presumption stands so long as the employee tests positive for COVID-19, as specified, within 14 days after the employee worked. The day worked must also fall on or after March 19, 2020.

Unless extended, the ordered presumption expires 60 days following May 6, 2020, which means your recorded date of injury must fall within this time frame to be eligible. The executive order is provided below for your reference.



<https://www.gov.ca.gov/wp-content/uploads/2020/05/5.6.20-EO-N-62-20-text.pdf>